

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FRYE FAMILY PARTNERSHIP

V.

ROUGH CREEK INVESTORS GP, LLC

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CASE NO. 4:11-CV-193

Judge Schneider/Judge Mazzant

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 8, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations concerning Defendant Rough Creek Investors GP, LLC's Motion to Dismiss (Dkt. #8) and Plaintiff Frye Family Partnership's Motion to Transfer Venue (Dkt. #11), wherein the Court recommended that the motion to dismiss should be granted.

The Court, having made a *de novo* review of Plaintiff's objections, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendant Rough Creek Investors GP, LLC's Motion to Dismiss (Dkt. #8) is **GRANTED** and the case is dismissed without prejudice.

It is SO ORDERED.

SIGNED this 29th day of July, 2011.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE